IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6616 OF 2007

Kolhapur Zilla Sahakari Doodh
Utpadak Sangh Maryadit .... Petitioner

versus

State of Maharashtra & ors ..... Respondent.

Shri S.S.Pakale for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 11TH SEPTEMBER, 2007

P.C.;

1. Provisional voter's list for election of the Managing Committee of the present petitioner was displayed and objections were invited to the inclusion and/or exclusion of the names in the provisional list. Various applications were moved by the primary societies who are affiliated to the petitioner society, which is a federal society, for inclusion of their names in the voter's list. The applications are allowed by the impugned order dated 9-8-2007 and the Collector has directed the inclusion of the names of the societies and their delegates in the list, the legality of which order is questioned by filing the present petition.

2. Admittedly the applicants before the Collector were the members of the petitioner society. They were sought to be expelled by the petitioner by having recourse to section 35 read with Rule 29 of the Rules of 1961. The matter was ultimately carried to this court and by an order dated 18th July 2007 passed in W. P. No. 5251/07, the writ petition filed by the present petitioner came to be dismissed by concurring with the view taken by the State Government that the expelsion of the members was illegal. The said order passed in the said writ petition came to be confirmed by a judgment tendered by the Division Bench in Latters Patent Appeal No. 155/07. In this view of the matter, the obvious position that emerges is that the societies who were expelled would continue to be the members all through out and this being the position, their names ought to have been included in the provisional voter's list. Having failed in including their names in the voter's list, they had objected to the non-inclusion of their names which applications are allowed by the Collector. The order passed by the Collector is in conformity with the decision of this Court in the writ petition and the Latters Patent Appeal.

3. In the result, there being no merit in the petition, the same is summarily dismissed.

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